UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
WORJLOH, JALATEE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>02 September 2008</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-8,10-17,19-26,28-38,41 and 42</u> is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-8, 10-17, 19-26, 28-38, 41and 42</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a) ☐ All   b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on September 2, 2008 has been entered.

2.   Claims 1-8, 10-17, 19-26, 28-38, 41and 42 are pending.

Response to Arguments

3.   Applicant's arguments with respect to the claims have been considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 1, 2, 7, 8, 10,11, 16, 17, 19, 20, 25, 26 32, 33, 38 and 41 are rejected under 35

U.S.C. 103(a) as being unpatentable over US Publication No. 2005/0021781 to Sunder et al.

("Sunder") in view of US Publication No. 2004/0158532 to Breck et al. ("Breck").

Referring to claim 1, Sunder discloses receive an authentication request from a cardholder system (i.e. client device)(see paragraphs [0005] & [0007]), forward the authentication request to an access control server (see paragraph [0008]), relay authentication information between the access control server and the cardholder system receive an authentication response from the access control server and forward the authentication response to the cardholder system (see paragraphs [[0010] &[0011]). Sunder does not expressly disclose wherein the authentication request was previously forward using an HTTP redirect command comprising the address of the central transaction server, wherein the authentication request includes a pseudonym corresponding to an electronic commerce card account number, wherein the pseudonym expires after a predetermined period of time and wherein the central transaction server initiates a payment request process. Breck discloses wherein the authentication request was previously forward using an HTTP redirect command comprising the address of the central transaction server (see paragraph [0070]), wherein the authentication request includes a pseudonym corresponding to an electronic commerce card account number, wherein the pseudonym expires after a predetermined period of time (see paragraphs [0080], [0048], and [0056]) and wherein the central transaction server initiates a payment request process(see paragraph [0091]) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Sunder to include the elements taught by Breck. One of ordinary skill in the art would have been motivated to do this because it provides an additional level of security.

Referring to claim 2, Sunder discloses and electronic commerce card authentication system (see claim 1 above). Sunder does not expressly discloses the system wherein the

authentication response is translated to a format compatible with a merchant system. Breck

discloses the system wherein the authentication response is translated to a format compatible

with a merchant system (see paragraphs [0054] and [0082]). At the time the invention was made,

it would have been obvious to a person of ordinary skill in the art to modify the system disclose

by Sunder to include the elements of Breck.   One of ordinary skill in the art would have been

motivated to do this because it provides a means for the merchant system to read and process the

message.

Referring to claims 7 and 8, Sunder discloses an electronic commerce card authentication

system (see claim 1 above). Sunder does not expressly disclose wherein a pseudonym was

previously created by the central transaction server or the pseudonym was created by a merchant

system. Breck discloses the system wherein a pseudonym was previously created by the central

transaction server or the pseudonym was created by a merchant system (see claim 1 above and

paragraph [0052]).

Claims 10, 19, 32 and 33 are rejected on the same rationale as claim 1 above.

Claims 11 and 20 are rejected on the same rationale as claim 2 above.

Claims 16 and 25 are rejected on the same rationale as claim 7 above.

Claims 17 and 26 are rejected on the same rationale as claim 8 above.

Referring to claim 38, Sunder discloses an authentication server (see claim 1 above).

Sunder does not expressly disclose the server hosts at least one web page. Breck discloses an

authentication server that hosts at least one web page (see claim 1 above). At the time the

invention was made, it would have been obvious to a person of ordinary skill in the art to modify

the system disclose by Sunder to include the process where the authentication server hosts at

least one web page. One of ordinary skill in the art would have been motivated to do this because

it provides an additional level of security.

Referring to claim 41, Sunder discloses an authentication server (see claim 1 above).

Sunder does not expressly disclose a pseudonym with the predetermined time in five minutes.

Breck discloses the pseudonym with a predetermined time, but does not explicitly state that the

time is in five minutes (see claim 1 above). However, this difference is only found in the

nonfunctional descriptive material and is not functionally involved in the steps recited. The

feature where the central transaction server receives a request would be performed the same

regardless of the data. Thus, this descriptive material will not distinguish the claimed invention

from the prior art in terms of patentability, see *In re Gulack,* 703 F.2d 1381, 1385, 217 USPQ

401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 UPSQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to receive a request including any type of data because such data does not

functionally relate to the steps in the method claimed and because the subjective interpretation of

the data does not patentably distinguish the claimed invention.

6.   Claim 3, 12 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sunder and Breck as applied to claims 1, 10 and, 19 above, and further in view of U.S.

Publication No. 2003/0046541 to Gerdes et al. ("Gerdes").

Referring to claim 3, Sunder discloses an electronic commerce card authentication system

(see claim 1 above). Sunder does not expressly disclose wherein the central transaction server is

adapted to forward a copy of the authentication response to an authentication history server to be archived. Gerdes discloses a central transaction server that forwards a copy of an authentication response to an authentication history server to be archived (see paragraph [0057]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Sunder to include a copy of the authentication response to an authentication history server. One of ordinary skill in the art would have been motivated to do this because it provides a history of authentication transaction (see paragraph [0057] of Gerdes).

Claims 12 and 21 are rejected on the same rationale as claim 3 above.

7.   Claims 4-6, 13-15, 22-24, and 28 -31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunder and Breck as applied to claims 1, 10 above, and further in view of US Publication No. 2004/0254848 to Golan et al. ("Golan").

Referring to claims 4 and 5, Sunder discloses the electronic commerce card authentication system (see claim 1 above). Sunder does not expressly disclose wherein the central transaction server further receives a verifying enrollment request from a directory server, and to send a verifying enrollment response to the directory server; wherein the central transaction server is sends the verifying enrollment response in response to a query to the access control server. Golan discloses wherein the central transaction server further receives a verifying enrollment request from a directory server, and to send a verifying enrollment response to the directory server; wherein the central transaction server is adapted to send the verifying enrollment response in response to a query to the access control server (see paragraphs [0094]-

[0097] & claims 5,6). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Sunder to include the system wherein the central transaction server receives a verifying enrollment request from a directory server, and to send a verifying enrollment response to the directory server; wherein the central transaction server sends the verifying enrollment response in response to a query to the access control server. One of ordinary skill in the art would have been motivated to do this because provides an additional level of verification, thereby securing the system.

Referring to claim 6, Sunder discloses the electronic commerce card authentication system (see claim 1 above). Sunder does not expressly disclose the central transaction server is adapted to send the verifying enrollment response to the directory server with or without querying the access control server, and is further adapted to query the access control server in response to receiving an authentication request. Golan discloses the central transaction server is adapted to send the verifying enrollment response to the directory server with or without querying the access control server, and is further adapted to query the access control server in response to receiving an authentication request (see paragraphs [0099] & [0100]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Sunder to include the system wherein the central transaction server is adapted to send the verifying enrollment response to the directory server with or without querying the access control server, and is further adapted to query the access control server in response to receiving an authentication request. One of ordinary skill in the art would have been motivated to do this because provides an additional level of verification, thereby securing the system.

Claims 13, 22, 28, and 30 are rejected on the same rationale as claim 4 above.

Claims 14 and 23 are rejected on the same rationale as claim 5 above.

Claims 15 and 24 are rejected on the same rationale as claims 6 above.

Referring to claims 29 and 31, Sunder discloses the electronic commerce card

authentication system (see claims 28 and 30 respectively above). Sunder does not expressly

disclose modifying the verifying enrollment request from a directory server, and forwarding the

modified verifying enrollment response to the directory server. Golan discloses receiving a

verifying enrollment request from a directory server, and to send a verifying enrollment response

to the directory server and sending the verifying enrollment response in response to a query to

the access control server (see paragraphs [0094]-[0097] & claims 5,6). Golan does not teach the

request being modified; however, the concept of modifying data is well known in the art of data

processing. Thus, at the time the invention was made, it would have been obvious to a person of

ordinary skill in the art to modify the system disclose by Sunder to include the steps of disclose

receiving a verifying enrollment request from a directory server, and to send a verifying

enrollment response to the directory server and sending the verifying enrollment response in

response to a query to the access control server. One of ordinary skill in the art would have been

motivated to do this because provides an additional level of verification, thereby securing the

system.

8.   Claims 34- 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over to Sunder

and Breck in view of Golan.

Referring to claim 34, Sunder discloses receiving an authentication request from a holder

system (i.e. client device) (see paragraphs [0005] & [0007]), sending the authentication request

with the pseudonym to the access control server (see paragraph [0008]), receiving an

authentication response and sending the authentication response to the holder system (see

paragraphs [[0010] & [0011]). Sunder does not expressly disclose receiving a verifying

enrollment request, sending the verifying enrollment response to an access control server,

receiving a verifying enrollment response from the access control server, creating an altered

verifying enrolling response comprising a pseudonym, sending the altered verifying enrollment

response to a merchant system, wherein the merchant system subsequently sends an

authentication request including the pseudonym to a holder system, wherein the authentication

request including the pseudonym sent to the holder system further comprises a web page

containing a redirect command, wherein the redirect command is an HTTP redirect command,

comprising the address of the central transaction server, wherein the pseudonym expires after a

predetermined period of time. Golan discloses receiving a verifying enrollment request, sending

the verifying enrollment response to an access control server, receiving a verifying enrollment

response from the access control server (see paragraphs [0094] – [0097] & claims 5, 6). Breck

discloses creating an altered verifying enrolling response comprising a pseudonym, sending the

altered verifying enrollment response to a merchant system, wherein the merchant system

subsequently sends an authentication request including the pseudonym to a holder system,

wherein the authentication request including the pseudonym sent to the holder system further

comprises a web page containing a redirect command, wherein the redirect command is an

HTTP redirect command, comprising the address of the central transaction server, wherein the

pseudonym expires after a predetermined period of time (see paragraphs [0048], [0058], [0079],

and [0080]). At the time the invention was made, it would have been obvious to a person of

ordinary skill in the art to modify the system disclose by Sunder to include the elements taught

by Golan and Breck. One of ordinary skill in the art would have been motivated to do this

because it provides an additional level of security.

As for claims 35-37, Sunder teaches these steps (see claim 34 above).

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

- US Patent No. 7398253 to Pinnell.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jalatee Worjloh whose telephone number is 571-272-6714. The

examiner can normally be reached on Monday - Friday 10:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Calvin Hewitt II can be reached on 571-272-6709. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300 for regular

communications and 571-273-6714 for Non-Official /Draft.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jalatee Worjloh/
Primary Examiner, Art Unit 3685